

19408 Mr. Ayler

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-201832.3

**DATE:** September 16, 1981

**MATTER OF:** Surgical Instrument Company of America

**DIGEST:**

Contracting officer's determination of small business' nonresponsibility will not be reviewed by GAO since the Small Business Administration is the agency specifically authorized by statute to review such decisions.

Surgical Instrument Company of America (SICOA), a small business, protests the Defense Logistics Agency's proposed determination that it is nonresponsible under invitation for bids DLA120-81-B-0860.

SICOA argues that it has seen a copy of the preaward survey conducted on its supplier and the contracting officer has advised that, based on the information contained in the survey, the contracting officer proposes to find SICOA nonresponsible.

While the contracting officer has made no formal determination as to SICOA's responsibility and in that regard the protest is premature, we find the matter is not for consideration by our Office in any event.

Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. III, 1979), and the applicable section of Defense Acquisition Regulation, § 1-705.4(c) (Defense Acquisition Circular No. 76-24, August 28, 1980), the Small Business Administration (SBA) has authority under its certificate of competency procedures to issue final determinations to Government procurement officials as to whether small businesses are responsible concerns in all respects. Angelo Warehouses Co., B-196780, March 28, 1980, 80-1 CPD 228.

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We will not undertake a review of a contracting officer's determination of nonresponsibility because the SBA is the agency specifically authorized by statute to review such decisions. Fifth Generation Systems, B-199719, September 18, 1980, 80-2 CPD 205.

Therefore, if SICOA is found nonresponsible by the contracting officer, the matter is not for resolution by our Office and the protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel